

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

OP.No. 33137 of 2001(T)

PETITIONER:

**K.N.GOVINDAN, S/O.NANU NAIR,
AGED 55 YEARS, U.D. CLERK,
MEDICAL COLLEGE, THRISSUR.**

**BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENTS:

- 1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE (PRC) DEPARTMENT, SECRETARIAT,
TRIVANDRUM.**
- 2. THE DIRECTOR OF MEDICAL EDUCATION,
TRIVANDRUM.**
- 3. THE PRINCIPAL , MEDICAL COLLEGE, THRISSUR.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 29/ 06 /2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP.NO.54037/2001 IN OP. 33137/2001

DISMISSED

29.06.2007

SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PAY FIXATION STATEMENT.

EXT.P2:- COPY OF THE ORDER NO.E1/10862/99/DME OF THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE REPRESENTATION FILED BEFORE THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE LETTER NO.11179/PRC.A1/2001/FIN. OF THE GOVERNMENT.

EXT.P5:- COPY OF THE CIRCULAR NO.9/96/(78)/FIN. OF THE GOVERNMENT.

EXT.P6:- COPY OF THE G.O.(P) NO.480/89/FIN. OF THE GOVERNMENT.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.33137 of 2001-T

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Dated this the 29th day of June, 2007.

JUDGMENT

The petitioner seeks a direction commanding the respondents to count the military service rendered by him prior to his regular service for granting second and third higher grades and to revise the Pay Revision arrears and retirement benefits accordingly. He also seeks to quash Exts.P2, P4 and P5, whereby he has been refused such reliefs.

2. The issue falling for decision is as to whether the prior military service could be counted only for granting higher grade once or whether that lap of military service could be counted for the second and third higher grades. This issue is covered in favour of the petitioner by the judgment of this Court in **State of Kerala v. Sreedharan** [2004 (1) KLT 398]. Under such circumstances, the petitioner is entitled to the reliefs sought for.

In the result, this writ petition is allowed quashing Exts.P2, P4 and P5 and directing the respondents to count the military service rendered by the petitioner prior to the regular service for granting second and third higher grades and to revise the Pay Revision arrears and retirement benefits accordingly. All benefits due to the petitioner on account of this judgment shall be released to him within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

OP33137/2001

-: 3 :-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 33137 of 2001-T

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JUDGMENT

Dated: 29th June, 2007.